

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

<b>ANDRE MAURICE FRANCE,</b>  Plaintiff,  vs.  <b>CORRECTIONAL OFFICER RICHARDS,</b>  Defendant.	<b>2:24-CV-10372-TGB-PTM</b>  <b>ORDER TRANSFERRING CASE TO THE WESTERN DISTRICT OF MICHIGAN</b>
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Andre Maurice France, a Michigan prisoner without a lawyer confined at Parnall Correctional Facility, has filed a complaint raising a claim for violation of his rights under the Eighth Amendment. *See* 42 U.S.C. § 1983. His claim concerns his treatment by a correctional officer while he was housed at Carson City Correctional Facility.

A review of France's allegations shows that his case would have been brought more appropriately in the Western District of Michigan. 28 U.S.C. § 1391 governs venue in federal civil cases and provides that a civil action may be brought in either: (1) a judicial district in which any defendant resides; or (2) the district in which a substantial part of the events giving rise to the claim occurred. 28 U.S.C. § 1391(b). Carson City Correctional Facility located in Montcalm County, which is in the Western District of Michigan. 28 U.S.C. § 102(b). France further alleges that Richards, the sole defendant, is employed there, and that all the events forming the basis for his claim arose there.

If venue is improper in the district where a case is filed, a district court may transfer it to the appropriate district. 28 U.S.C. § 1406(a); *see also Sifuentes v. Pluto TV*, No. 23-cv-10129, 2023 WL 319929, at \*1 (E.D. Mich. Jan. 19, 2023) (“Congress has instructed district courts to dismiss, or in the interest of justice transfer, a case filed in the wrong division or district. 28 U.S.C. § 1406(a).

Accordingly, **IT IS ORDERED** that this case be **TRANSFERRED** to the United States District Court for the Western District of Michigan under 28 U.S.C. § 1406(a). The Court has not reviewed Plaintiff’s complaint under 28 U.S.C. §§ 1915(e)(2), 1915A, or under 42 U.S.C. § 1997e(c).

**SO ORDERED**, this 26th day of February, 2024.

BY THE COURT:

/s/Terrence G. Berg

TERRENCE G. BERG

United States District Judge